

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

IN RE:

CLEVELAND FIKE

SSN: xxx-xx-3810

DEBTOR

**CASE NO: 09-80284
Chapter 7**

ORDER GRANTING RELIEF FROM AUTOMATIC STAY

This matter came on for hearing on September 1, 2011, before the undersigned United States Bankruptcy Judge upon the Motion for Relief from Stay (the "Motion") filed by AMERICA'S SERVICING COMPANY (the "Creditor") to exercise its state law rights with respect to certain real property (the "Real Property") located at 2821 S Roxboro Street, Durham, NC and more fully described in the Motion. The Court having considered the Motion and the record in this case finds and concludes as follows:

1. The Creditor filed the motion on August 12, 2011.
2. The Clerk of the Bankruptcy Court mailed a notice to interested parties on August 15, 2011 that any objection to the Motion must be filed with the Court by August 27, 2011 and that if no objections were filed within that time period, the Court would consider the Motion without a hearing.
3. The Debtor, through counsel, filed an objection and a hearing was scheduled for September 1, 2011.
4. A hearing was held on September 1, 2011, at which time Debtor's counsel advised that there was no longer an objection to the Motion.
5. Cause exists for modification of the automatic stay afforded by Section 362 of the Bankruptcy Code.

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED that the Motion is granted, and the automatic stay afforded by Section 362 is modified to allow the Creditor to exercise its state law rights with respect to the Real Property. Movant is allowed, pursuant to 11 U.S.C. §506(b), to assess \$500 to the mortgage account for expenses incurred in filing the Motion for Relief.

IT IS FURTHER ORDERED that Rule F.R.B.P. 4001(a)(3) of the Federal Rules of Bankruptcy Procedure is waived and that the Creditor may immediately enforce and implement this Order.

IT IS FURTHER ORDERED that if a sale of the Real Property is held and excess proceeds are derived, then such proceeds shall be deposited with the Chapter 7 Trustee in this case.

PARTIES TO BE SERVED

Debtor:
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